

LENORA PHILSON - 3/29/2019

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| <p style="text-align: center;">1</p> <p>1 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS 2 TEXARKANA DIVISION 3 CRAIG SHIPP PLAINTIFF 4 CASE NO. 4:18-CV-04017-SOH 5 V. 6 7 KIMBERLY HOFFMAN, et al. DEFENDANTS 8 9 ***** 10 ORAL DEPOSITION 11 OF 12 LENORA PHILSON 13 MARCH 29, 2019 14 VOLUME 1 15 ***** 16 ORAL DEPOSITION OF LENORA PHILSON, produced as a 17 witness at the instance of the PLAINTIFF, CRAIG SHIPP, 18 and duly sworn, was taken in the above-styled and 19 numbered cause on the 29th day of March, 2019, from 20 12:58 p.m. to 1:59 p.m., before LEICA TURNER, a 21 Certified Shorthand Reporter in and for the State of 22 Texas, reported by machine shorthand, at the offices of 23 Leigh & Associates Court Reporting, 3930 Galleria Oaks 24 Drive, Suite 159, Texarkana, Texas, pursuant to the 25 Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.</p> | <p style="text-align: center;">3</p> <p style="text-align: center;">I N D E X</p> <p>1 WITNESS: LENORA PHILSON</p> <p>2</p> <p>3 PAGE</p> <p>4 Appearances 2</p> <p>5 Changes and Signature 46</p> <p>6 Reporter's Certificates 48</p> <p>7</p> <p>8 Examination by Mr. Franseen 5</p> <p>9 Examination by Ms. Odum 41</p> <p>10 Examination by Mr. Franseen 44</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> |
| <p style="text-align: center;">2</p> <p>1 A P P E A R A N C E S 2 FOR THE PLAINTIFF CRAIG SHIPP: 3 MR. DEREK S. FRANSEEN 4 WALSH & FRANSEEN 5 200 East 10th Street Plaza 6 Edmond, Oklahoma 73034 7 Phone: 405.843.7600 8 Fax: 405.606.7050 9 dfranseen@walshlawok.com 10 FOR THE MEDICAL DEFENDANTS: 11 MS. MICHELLE BANKS ODUM 12 HUMPHRIES, ODUM & EUBANKS 13 1901 Broadway Street 14 Little Rock, Arkansas 72206 15 Phone: 501.420.1776 16 michelle@humphrieslaw.net 17 18 FOR THE ADC DEFENDANTS: 19 MS. ROSALYN MIDDLETON 20 ASSISTANT ATTORNEY GENERAL 21 CIVIL DEPARTMENT 22 323 Center Street 23 Suite 200 24 Little Rock, Arkansas 72201 25 Phone: 501.682.8122 Fax: 501.682.2591 rosalyn.middleton@arkansasag.gov</p> | <p style="text-align: center;">4</p> <p style="text-align: center;">E X H I B I T I N D E X</p> <p>1 EXHIBIT</p> <p>2 NO. DESCRIPTION PAGE</p> <p>3 MARKED</p> <p>4 1 18</p> <p>5 Email, 2/16/16, from Lenora Turner to 6 Stephen Arnold, Subj: Resident Craig 7 Shipp (Bates CCS-Requests Complaints 8 Other 0018)</p> <p>9 2 18</p> <p>10 Medical Restrictions/Limitations/ 11 Special Authorization(s) 12 (Bates CCS 788)</p> <p>13 3 29</p> <p>14 Email between Jeffrey Stieve and Lenora 15 Turner and Kim Hofmann Re: Resident 16 Craig Shipp (Bates CCS-Requests 17 Complaints Other 0024 - 0025)</p> <p>18 4 32</p> <p>19 Email String between Lenora Turner and 20 Stephen Arnold, 2/16/16, Re: Resident 21 Craig Shipp (Bates CCS-Requests 22 Complaints Other 0019)</p> <p>23 5 44</p> <p>24 Request Form (Bates CCS-Requests 25 Complaints Other 0026)</p> |

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1 Q. The warden says refer to Medical and says he
2 sent it to Medical and you received that document. What
3 are you supposed to do with that?

4 A. Okay. That's a conversation I would have with
5 the warden.

6 Q. Okay. What kind of conversation would you
7 have?

8 A. Okay. First of all, I would have to look into
9 the record to see exactly what was going on as far as
10 the shoes and what the doctor had documented. So I know
11 that I would go in first of all and look at the record
12 and see exactly is there a medical necessity, what the
13 doctor had said about the shoes, about the foot, if the
14 documentation is there. And no matter what the
15 documentation says, I'm still going to follow back up
16 with the warden on that request because that's something
17 we did routinely is follow back up. Any time he gives
18 me something, there was always close follow-up.

19 Q. How would you follow up?

20 A. It all depends. I mean, sometimes I will talk
21 to him, I'd go to his office quite a bit, I would
22 e-mail, I would call, sometimes he would come to my
23 office.

24 Q. So you would agree before February 16, 2016,
25 you had not notified Mr. Warden that Mr. Shipp needed

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1 orthotic shoes?

2 A. I'm not agreeing to that. I just said I can't
3 recall.

4 Q. You don't have any memory of doing that?

5 A. I don't recall.

6 Q. Do you recall looking at Mr. Shipp's records
7 prior to February 16, 2016?

8 A. Looking at his records?

9 Q. To see whether he needed orthotic shoes,
10 whether they were approved or not?

11 A. Prior to February 16th?

12 Q. Yes.

13 A. I don't remember, sorry.

14 Q. On Exhibit 2 there, is that the document that
15 would be filled out by a doctor approving a medical
16 device?

17 A. It appears to be.

18 Q. So that would have to be filled out by a
19 doctor in order for a medical device to be approved to
20 come into the facility by Medical and the warden?

21 A. It looks like that is one form.

22 Q. And so in order for a resident to get their
23 medical prescribed device, that document had to be
24 filled out, you would have to be notified, and the
25 warden would have to approve it?

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1 A. Sounds pretty accurate.

2 Q. Is there anything prohibiting a doctor from
3 filling out that type of form prior to an intake
4 physical if they have an encounter with the resident?

5 A. I can't answer that. That would be up to the
6 physician.

7 Q. Why is it up to the physician whether they can
8 fill out a form or not?

9 A. That would be their discretion.

10 Q. So it's at their discretion so there's nothing
11 prohibiting them from using their discretion in filling
12 out that form approving a device if it's brought to
13 their attention?

14 A. I wouldn't think so.

15 Q. You wouldn't want a policy in place that
16 prohibits them from using their discretion, would you?

17 A. I don't make the policies.

18 Q. But as an administrator there, you want to
19 have policies in place that are in the best interest of
20 the residents regarding their healthcare?

21 A. Well, the policies are in place and that's
22 what we do, follow the policy.

23 Q. So is there a policy that you're aware of that
24 prohibits a doctor from exercising their discretion in
25 filling out that form during an encounter once they're

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1 aware that a resident does not have their medically
2 prescribed device?

3 A. I'm not aware of any policies.

4 Q. Do you agree that a nurse can't notify you
5 that a resident needs a outside medical device without a
6 doctor filling out such an order?

7 A. Can you repeat that question?

8 Q. Is there anything regarding the policies and
9 procedures that prohibits a nurse from notifying you
10 that a resident needs an outside medically prescribed
11 device without a doctor's order?

12 A. I don't recall anything in the policy about
13 that.

14 Q. Do you know whether the nursing staff follows
15 such a policy in February 2016 in that manner?

16 A. Follows such a policy about what? I'm sorry.

17 Q. About not notifying the health service
18 administrator until the doctor fills out an order.

19 A. Your question was is there anything in the
20 policy?

21 Q. Do you know whether the nursing staff would
22 have followed that policy, that they would wait until a
23 doctor filled out an order before they notified the HSA
24 regarding the need for an outside device to be
25 approved?

6 (Pages 21 to 24)